

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

ROQUE "ROCKY" DE LA FUENTE,)
)
Plaintiff,)
)
v.) Civil Action No. 1:16-CV-1201
)
JAMES B. ALCORN, et al.,)
)
Defendants.)

CONSENT DECREE

The parties to this Consent Decree are Plaintiff Roque "Rocky" De La Fuente and Defendants James B. Alcorn, Clara Belle Wheeler, and Singleton B. McAllister, in their respective capacities as Chairman, Vice Chairman, and Secretary of the Virginia State Board of Elections (collectively, the Board).

The Plaintiff alleges that: (1) the Board improperly reviewed and invalidated signatures included on Mr. De la Fuente's voter petitions; (2) the Board's requirement that candidates for presidential elector provide their social security numbers violates the Supremacy Clause and the First and Fourteenth Amendments; (3) the inclusion of an optional field for the last four digits of a voter petition signatory's social security number on the Petition of Qualified Voters for Electors for President and Vice President" Form violates the Supremacy Clause and the First and Fourteenth Amendments; and (4) the process for appeals established by Virginia law and the Board's regulations fail to provide disqualified candidates with due process. The Board disputes the Plaintiff's allegations.

The Plaintiff and Defendants share a desire to ensure that Virginia voters are able to avail themselves of the rights afforded to them under the First and Fourteenth Amendments to the U.S.

Constitution. In light of that common desire, the Parties have resolved their dispute and agreed that this litigation should be resolved by entry of this Consent Decree with the understanding that neither side is the prevailing party. This Consent Decree effectuates the full disposition of any and all claims alleged in the Complaint filed in this case.

NOW, THEREFORE, IT IS HEREBY ADJUDGED, ORDERED, AND DECREED that:

1. Within 90 days of the entry of this Consent Decree, the Board will revise the "Petition of Qualified Voters for Electors for President and Vice President" (and any successor document that may be promulgated by the Board to be used for the same purpose) by removing the field currently entitled "LAST 4 DIGITS OF SOCIAL SECURITY NUMBER."
2. Nothing in this Consent Decree shall prevent, nor require, the Board from revising the "Petition of Qualified Voters for Electors for President and Vice President" (and any successor document that may be promulgated by the Board to be used for the same purpose), by replacing the field currently entitled "LAST 4 DIGTS OF SOCIAL SECURITY NUMBER" with a field requesting a signer's date of birth.
3. Within 90 days of the entry of this Consent Decree, the Board will revise the "Certificate of Candidate Qualification Elector for President and Vice President" (and any successor document that may be promulgated by the Board to be used for the same purpose), by including a notice that states "Candidates for Elector for President and Vice President may provide their Certificate of Candidate Qualification directly to the Department of Elections, Washington Building, 1100 Bank Street, First Floor, Richmond, Virginia 23219."

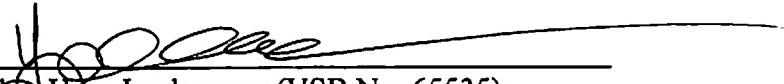
4. Upon the Court's entry of this Consent Decree, this action will be dismissed with prejudice.
5. This Court shall maintain jurisdiction over any claims arising out of or relating to this Consent Decree.
6. Within 30 days of the entry of this order, the Defendants will reimburse the Plaintiff for attorney's fees and costs in the amount of \$43,409.78.

It is SO ORDERED.


Liam O'Grady
United States District Judge

January 4, 2018
Alexandria, Virginia

SEEN AND AGREED:

By: 

Heather Hays Lockerman (VSB No. 65535)

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